

of officers' fees, and other acts, and ought so to remain; but whether by incorporating this section of the Statute or otherwise, it will be for the legislature to determine." Kilty Rep. 249. The subject of the Statute is explained at some length by Chancellor Bland in *Jones v. Jones*, 1 Bl. 443, (where the Chancellor held that land sold under a *feri facias* was converted into personalty, but the Court of Appeals held and ordered otherwise); *Hammond v. Hammond*, 2 Bl. 306; *Tessier v. Wyse*, 3 Bl. 28; *Coombs v. Jordan*, 3 Bl. 284.<sup>1</sup>

But now by the Code, Art. 83, sec. 1,<sup>2</sup> any sheriff, &c., to whom any execution may be directed, may seize and expose to sale any legal or equitable estate or interest which the defendant named in such writ may have or hold in any lands, tenements, or hereditaments. And provision is made in the next section for the conveyance by the sheriff to the purchaser of any equitable interest sold under such execution, &c.<sup>3</sup> See the notes to 13 E. 1, Stat. 1, c. 45, and 29 Car. 2, c. 3.<sup>4</sup>

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<sup>1</sup> This Statute did not interfere with the established distinction between law and equity and did not permit equitable interests to be seized under a *fi. fa.* *Smith v. McCann*, 24 How. 398; *Morsell v. Bank*, 91 U. S. 357; *Freedman's Co. v. Earle*, 110 U. S. 714.

<sup>2</sup> Code 1911, Art. 83, sec. 1.

<sup>3</sup> If the equitable title to property sold under these sections is one which includes possession of the property, the writ of *habere facias possessionem* is applicable to give the purchaser possession. *Deakins v. Rex*, 60 Md. 593.

<sup>4</sup> As to spendthrift trusts, see note 116 to 29 Car. 2, c. 3.

## 718

## STATUTES

Made at WESTMINSTER, Anno Regni GEORGH II. *secundo* and  
A. D. 1733.

### CAP. XIV.

An Act for the more effectual preventing frivolous and vexatious Arrests, and for the more easy recovery of Debts and Damages in the Courts of Great Sessions in the Principality of *Wales*, and in the Court of Assize in the County Palatine of *Chester*, and for the obviating a Doubt which has arisen upon an Act made in the Fourth Year of his present Majesty's Reign, intituled, *An Act that all Proceedings in Courts of Justice, within that Part of Great Britain called England, and in*